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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/052,214	01/16/2002	Grant C. Record	319098003US2	2941

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EXAMINER

HORTON, YVONNE MICHELE

ART UNIT PAPER NUMBER

3635

DATE MAILED: 04/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/052,214

Applicant(s)

RECORD, GRANT C.

Examiner

Yvonne M. Horton

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 and 29-334 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 29-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Allowable Subject Matter

The indicated allowability of claims 2 and 7 is withdrawn in view of the newly discovered reference(s) to GLAROS. Rejections based on the newly cited reference(s) follow.

Claim Objections

Claim 1 is objected to because of the following informalities: in the next to the last line in claim 1, for consistency, "sections" should be --portions--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1,3-6,8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,535,844 to GLAROS. GLAROS discloses a panel including front side portions (10) having a first joinery portion (19), a back side portion (11) having a second joinery portion (20,21) to form a symmetrical joinery member; an insulating core (12) disposed between the front (10) and back (11) side portions; wherein at least the back side portion (11) includes "substantially" rectangular shear resistance connectors (14) and the front (10) and back (11) side portions are positioned opposite one another and each have a different cross-sectional profile are joined to form and interior (unlabeled). GLAROS discloses the basic claimed panel except for explicitly detailing

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the strength-to-width ratio of the panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the strength-to-width ratio suitable for the use intended as an obvious matter of design choice. For instance, a larger panel made from aluminum may require a higher or larger strength-to-width ratio; whereas, a smaller panel made from steel might require a smaller strength-to-width ratio. In reference to claim 3, the panels are positioned with respect to a force; wherein, the panels are positioned as wall or roof members that are capable of being subject to wind forces, snow weight, and vibrations from aircraft or earth movement. Regarding claims 4 and 5, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the width of the panel suitable for the use intended as an obvious matter of design choice. For instance, an exterior panel might have a larger width than a panel used for interior decorative purposes. In reference to claim 6, the joinery members are tongue members (20) and groove members (19), column 2, lines 54-55. Regarding claim 8 and 9, the shear connectors (14) are elongated connectors that extend "substantially" parallel to the joinery members (19,20,21) and are integral with the front (10) and back (11) side portions.

Claims 7 and 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent #3,535,844 to GLAROS. GLAROS discloses a panel including front side portions (10) having a first joinery portion (19), a back side portion (11) having a second joinery portion (20,21) to form a symmetrical joinery member; an insulating core (12) disposed between the front (10) and back (11) side portions; wherein at least the back side portion (11) includes "substantially" rectangular shear resistance connectors

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(14) and the front (10) and back (11) side portions are positioned opposite one another and each have a different cross-sectional profile are joined to form an interior (unlabeled) with a thermal separator (22) between the joinery members (19,20,21).

GLAROS discloses the basic claimed panel except for explicitly detailing the strength-to-width ratio of the panel. It would have been obvious to one having ordinary skill in the art at the time the invention was made to select the strength-to-width ratio suitable for the use intended as an obvious matter of design choice. For instance, a larger panel made from aluminum may require a higher or larger strength-to-width ratio; whereas, a smaller panel made from steel might require a smaller strength-to-width ratio. In reference to claim 29, the panels are positioned with respect to a force; wherein, the panels are positioned as wall or roof members that are capable of being subject to wind forces, snow weight, and vibrations from aircraft or earth movement. Regarding claims 30 and 31, it would have been obvious to one having ordinary skill in the art at the time the invention was made to select the width of the panel suitable for the use intended as an obvious matter of design choice. For instance, an exterior panel might have a larger width than a panel used for interior decorative purposes. In reference to claim 32, the joinery members are tongue members (20) and groove members (19), column 2, lines 54-55. Regarding claim 33 and 34, the shear connectors (14) are elongated connectors that extend "substantially" parallel to the joinery members (19,20,21) and are integral with the front (10) and back (11) side portions.

Response to Arguments


Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yvonne M. Horton whose telephone number is (571) 272-6845. The examiner can normally be reached on 6:30 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl D. Friedman can be reached on (571) 272-6842. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Yvonne M. Horton
Art Unit 3635
4/20/04